

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 12 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

JORGE RAFAEL QUINTANA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-74833

Agency No. A90-500-530

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 26, 2008^{**}

Before: BEEZER, FERNANDEZ and McKEOWN, Circuit Judges.

Jorge Rafael Quintana, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order affirming without opinion the Immigration Judge's ("IJ") decision denying him relief under former section

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

212(c) of the Immigration and Nationality Act. To the extent we have jurisdiction, it is conferred by 8 U.S.C. § 1252. We review for abuse of discretion the decision to deny a continuance. *See Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 923 (9th Cir. 2007). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the IJ's discretionary decision to deny Quintana relief under former section 212(c). *See* 8 U.S.C. § 1252(a)(2)(B)(ii); *Ramadan v. Gonzales*, 479 F.3d 646, 654 (9th Cir. 2007) (per curiam) (stating that the REAL ID Act “does not restore jurisdiction over discretionary determinations”).

The IJ did not abuse his discretion in denying Quintana a continuance. *See Gonzalez v. INS*, 82 F.3d 903, 908 (9th Cir. 1996) (a decision to deny a continuance will only be overturned upon “a showing of clear abuse” of discretion) (internal quotation and citations omitted).

PETITION FOR REVIEW DISMISSED in part and DENIED in part.